

# Order

Michigan Supreme Court  
Lansing, Michigan

March 9, 2011

Robert P. Young, Jr.,  
Chief Justice

141797 & (16)

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant,

v

SC: 141797  
COA: 298862  
Kalamazoo CC: 2006-000719-FH

HUSNAIN ALI ABBAS,  
Defendant-Appellee.

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On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the August 3, 2010 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration as on leave granted. The Court of Appeals shall address whether: (1) if, as the defendant contends, his trial counsel failed to advise him that he was not eligible for Holmes Youthful Trainee Act (MCL 762.11 *et seq.*) status, the Kalamazoo Circuit Court nevertheless correctly held that the defendant cannot meet the standard for establishing entitlement to relief from judgment absent the retroactive application of *Padilla v Kentucky*, 599 US \_\_\_\_; 130 S Ct 1473; 176 L Ed 2d 2928 (2010); and (2) the decision in *Padilla* may be applied retroactively in this case.



d0302

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 9, 2011

*Corbin R. Davis*

Clerk